

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JEFFREY MUELLER, JULIE SCHRAGER,
and MARCIA MCNEIL,

Plaintiffs,

v.

Case No. 05-CV-875

POSTMASTER GENERAL OF THE
UNITED STATES POSTAL SERVICE,

Defendant.

ORDER

On August 16, 2005, the plaintiffs, three employees or former employees of the United States Postal Service, filed a complaint alleging systematic civil rights violations against deaf and hard-of-hearing people. Although the complaint does not specifically state that the case is a class action, the plaintiffs' prayer for relief states: "WHEREFORE, Plaintiffs, on behalf of the class, pray that the Court enter judgment against Defendants as follows . . ." Compl., § V. The defendant filed a motion for a more definite statement on December 16, 2005, requesting the plaintiffs to clarify whether or not the case was filed as a class action. As of the date of this order, the plaintiffs have not filed a response to the defendant's motion.

Pursuant to Federal Rule of Civil Procedure 12(e), a defendant may move for a more definite statement before filing a responsive pleading if "a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading." *Id.* Rule 12(e) further

specifies that if a motion for a more definite statement is granted “and the order of the court is not obeyed within 10 days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed . . .” *Id.*

Given the discrepancy in the complaint, specifically the plaintiffs’ prayer for relief stating “on behalf of the class,” and the substantial differences between a class action and a suit brought on behalf of the individual plaintiffs, the court will grant the defendant’s motion for a more definite statement and direct the plaintiffs to clarify whether or not they filed this case as a class action. In accordance with Rule 12(e), the plaintiffs shall have thirty (30) days from the date of this order to clarify whether or not they filed this case as a class action. If the plaintiffs fail to file such clarification within thirty (30) days from the date of this order, the court will dismiss their claims without prejudice pursuant to Rule 12(e).

Accordingly,

IT IS ORDERED that the defendant’s motion for a more definite statement (Docket #4) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the plaintiffs shall have thirty (30) days from the date of this order to clarify whether they filed this case as a class action.

Dated at Milwaukee, Wisconsin, this 21st day of April, 2006.

BY THE COURT:

s/J.P. Stadtmueller

J.P. STADTMUELLER
U.S. District Judge